

FIFTH DAY

(Tuesday, January 17, 1939)

The Senate met at 9:00 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	Pace
Beck	Redditt
Brownlee	Roberts
Burns	Shivers
Collie	Small
Graves	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield
Nelson	

Absent—Excused

Cotten	Head
Hardin	Martin

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Metcalfe and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

Leave of Absence Granted

Senator Hardin was granted leave of absence for yesterday, on account of important business, on motion of Senator Lanning.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
January 17, 1939.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 3, Extending invitation to the Rev. M. E. Sadler, Pastor of the Central Christian Church of Austin, to deliver invocation at joint session of the Legislature, Tuesday, January 17, 1939, for the purpose of inaugurating the Governor-elect and the Lieutenant Governor-elect.

H. C. R. No. 13, Providing for a joint session Wednesday, January 18, for the purpose of hearing the message of His Excellency, the Honorable W. Lee O'Daniel, Governor of Texas.

H. C. R. No. 14, Regarding the employment of both man and wife of the same family in State Departments.

H. B. No. 2, A bill to be entitled "An Act amending Article 1901 of the Revised Civil Statutes of 1925 pertaining to the custody and care of records, excepting certain counties, and providing specific provisions for the removal of records under certain conditions, and providing an emergency."

H. B. No. 3, A bill to be entitled "An Act creating the Special Ninth District Court of Montgomery, Polk County, and San Jacinto County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a Judge thereof, fixing his compensation, making an appropriation for the same, prescribing his powers and duties; . . . etc., and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bills on First Reading

The following bills received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 3, to Committee on Judicial Districts.

H. B. No. 2, to Committee on State Affairs.

Report of Standing Committee on House Bill 3

Senator Nelson submitted the following report:

Committee Room,
Austin, Texas,
January 16, 1939.

Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 3, A bill to be entitled "An Act creating the Special Ninth District Court of Montgomery County, Polk County, and San Jacinto County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a Judge thereof, fixing his compensation, powers and duties; providing for the transfer of cases from the Ninth Judicial District Court to said Special Ninth District Court and from Special Ninth District Court to the Court of the Ninth Judicial District; providing for the appointment of an Assistant District Attorney, to prosecute cases in said Court, making an appropriation for his salary; providing for the District Clerks of Montgomery County, Polk County and San Jacinto County and their successors in office to be the Clerks for the said Special Ninth District Court in their respective counties; providing a seal for said Special Ninth District Court of the Ninth Judicial District of the State of Texas; and to conform all writs and processes of such Court to such changes; and to make all writs and processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of Court in the several counties in said District, as herein fixed, and to validate the summoning of grand and petit jurors and juries; and providing for the continuation of Court in session in said District when this Act takes effect, to the end of its term; repealing all laws or parts of laws in conflict herewith; providing that if any Section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NELSON, Chairman.

House Bill 3 on Second Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 3 be placed on its second reading passage to third reading.

The motion prevailed by the following vote:

Yeas—27

Aikin	Pace
Beck	Redditt
Brownlee	Roberts
Burns	Shivers
Collie	Small
Graves	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield
Nelson	

Absent—Excused

Cotten	Head
Hardin	Martin

The President laid H. B. No. 3 before the Senate, on second reading and passage to third reading.

On motion of Senator Burns Senate Rules 31a and 48 were suspended severally to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill 3 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lanning
Beck	Lemens
Brownlee	Metcalf
Burns	Moffett
Collie	Moore
Graves	Martin
Hill	Nelson
Isbell	Pace
Kelley	Redditt

Roberts	Stone
Shivers	of Washington
Small	Sulak
Spears	Van Zandt
Stone	Weinert
of Galveston	Winfield

Absent—Excused

Cotten	Head
Hardin	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Brownlee	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hill	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Metcalfe	of Washington
Moffett	Sulak
Moore	Weinert
Nelson	Winfield

Nays—3

Aikin	Isbell
Beck	

Present—Not Voting

Small	Van Zandt
-------	-----------

Absent—Excused

Cotten	Head
Hardin	Martin

House Concurrent Resolution 13

The President laid before the Senate:

H. C. R. No. 13, Providing for a joint session to hear the message of the Governor.

On motion of Senator Martin and by unanimous consent, the resolution was considered at this time and was adopted.

House Concurrent Resolution 14

The following resolution, received from the House today, was laid before the Senate, read by the Secretary, and referred to the Committee on State Affairs:

H. C. R. No. 14, Relative to employment of both husband and wife in one or more State departments.

Bill and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read severally the following enrolled bill and resolutions:

H. B. No. 3, "An Act creating the Special Ninth District Court of Montgomery County, Polk County, and San Jacinto County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a Judge thereof, fixing his compensation, making an appropriation for the same, prescribing his compensation, making an appropriation for the same, prescribing his powers and duties; providing for the transfer of cases from the Ninth Judicial District Court to said Special Ninth District Court and from said Special Ninth District Court to the Court of the Ninth Judicial District, etc.; and declaring an emergency."

S. C. R. No. 2, Providing for a joint committee to arrange for the inauguration of Governor and Lieutenant Governor.

S. C. R. No. 3, Inviting Rev. M. E. Sadler to deliver invocation at joint session to inaugurate the Governor and Lieutenant Governor.

H. C. R. No. 9, Providing for joint session to inaugurate the Governor and the Lieutenant Governor.

At Ease

On motion of Senator Burns the Senate, at 9:10 o'clock a. m., stood at ease to 9:14 o'clock a. m. today.

At 9:14 o'clock a. m. the President called the Senate to order.

Message from the Governor

The President laid before the Senate, and had read the following message from the Governor:

Austin, Texas,
January 17, 1939.

To the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Judge for the Special Ninth Judicial District, composed of Montgomery, Polk and San Jacinto Counties:

E. T. Murphy, of Polk County (re-appointment).

Respectfully submitted,
James V. Allred,
Governor of Texas.

Joint Session

At 9:15 o'clock a. m., the President announced that the hour heretofore fixed for a joint session of the Senate and House of Representatives to inaugurate the Governor-elect and Lieutenant Governor-elect had arrived, and requested the Senators to repair in a body to the Hall of the House.

The Honorable Senators, escorted by the Sergeant-at-Arms of the Senate, A. W. Holt, and the Secretary of the Senate, Bob Barker, advanced into the Hall and, by direction of Hon. R. Emmett Morse, Speaker of the House, occupied seats prepared for them along the aisle.

President Pro Tempore Weaver Moore acted as the presiding officer of the Senate during the joint session, and by invitation of Speaker Morse, he occupied a seat on the Speaker's stand.

The President Pro Tempore called the Senate to order and directed the Secretary to call the roll of the Senate.

The roll was called, and the following Senators were present:

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten Head

The President Pro Tempore announced a quorum of the Senate present.

The roll of the House was called and a quorum announced present.

The Speaker announced that the two houses were in joint session to inaugurate the Governor-elect and Lieutenant Governor-elect, and that the inaugural ceremonies would be held at the Texas Memorial Stadium.

The Members and Officers of the House and Senate present at the joint session were escorted in motor cars to the Stadium, where they occupied seats reserved for them facing the main stage in the south area of the Stadium.

Hon. W. Lee O'Daniel, Governor-elect, and Hon. Coke R. Stevenson, Lieutenant Governor-elect, and their inaugural parties, and a number of State officials and those accompanying them occupied seats on a reviewing stand immediately in front of the main stage.

Beginning at 10:00 o'clock a. m. and concluding at 12:00 o'clock m., the following program was rendered for the joint session and the assemblage:

Music by the 143rd and 141st Infantry Regimental Bands of the Texas National Guard; the Agricultural and Mechanical College Band; and the Bands of North Texas Agricultural College, John Tarleton Agricultural College, Southwest Texas State Teachers College, Abilene Christian College, and the Arlington High School.

Overture by The University of Texas Longhorn Band.

Pageant: "The American Way of Life," 250 students of The University of Texas taking part.

Massed chorus of school children, singing "Texas, Our Texas" and "The Eyes of Texas."

At 12:00 o'clock m., the Ross Volunteers of Texas Agricultural and Mechanical College formed a lane from the reviewing stand to the main stage.

Hon. W. Lee O'Daniel, Governor-elect, and Mrs. O'Daniel; Mr. Pat O'Daniel, Mr. Mike O'Daniel and Miss Molly O'Daniel; Hon. James V. Allred, Governor of Texas, and Mrs. Allred; Hon. Coke R. Stevenson, Lieutenant Governor-elect, and Mrs. Stevenson; Hon. Walter F. Woodul, Lieutenant Governor; Hon. Weaver Moore, President Pro Tempore of the Senate, and Mrs. Moore; Hon. R. Emmett Morse,

Speaker of the House of Representatives, and Mrs. Morse; Hon. C. M. Cureton, Chief Justice of the Supreme Court and the Associate Justices of the Supreme Court, and Hon. F. L. Hawkins, Justice of the Court of Criminal Appeals; Dr. M. E. Sadler, pastor of the Central Christian Church of Austin; Hon. Pat M. Neff, Hon. Dan Moody, Hon. W. P. Hobby, Hon. R. S. Sterling, Hon. James E. Ferguson, former Governors of Texas, and Mrs. Neff, Mrs. Moody, Mrs. Hobby and Mrs. Sterling, were escorted through the lane formed by the Ross Volunteers to the main stage by Senators Brownlee, Roberts and Martin, on the part of the Senate, Messrs. Leonard, Johnson of Tarrant, Alsup, Thornberry and Boyd, on the part of the House; by Mr. Axel Philquest, Clerk of the Supreme Court; and by Adjutant General Nesbitt and Generals Brees, Birkhead and Pyron of the Texas National Guard.

INAUGURATION OF GOVERNOR AND LIEUTENANT GOVERNOR

Speaker Morse called the joint session to order.

Dr. M. E. Sadler by invitation of the Speaker, offered the invocation as follows:

"Let us pray. Almighty God, our Heavenly Father, in whose hands are the issues of men and of nations, we bow in humble reverence before Thee, and with grateful hearts acknowledge Thy manifold blessings to us as a people. Through all the changed and changing circumstances of life, Thou hast made and preserved us as a nation.

"We thank Thee for this glorious country in which the Church and the State can work together in mutual helpfulness. Neither trying to officially dominate the other. But each trying to do its utmost to further and enrich the on-going life of man.

"Today we most heartily beseech Thee to look with favor upon these, Thy servants, who are about to assume positions of such strategic importance and leadership in the life of our great Commonwealth.

"Imbue them with the spirit of wisdom, goodness and truth; and so rule their hearts, direct their ways and bless their endeavors that law and order, justice and peace may everywhere prevail.

"Give us the clarity of mind and the integrity of purpose which will enable us to use wisely and for the welfare of man the mighty resources with which thou hast endowed us. And lead us by Thy spirit to ever higher levels of life.

"We make our prayer in the spirit of Christ. Amen."

President Pro Tempore Weaver Moore announced the constitutional oath of office would be administered Hon. Coke R. Stevenson, Lieutenant Governor-elect, by Justice F. L. Hawkins of the Court of Criminal Appeals.

Hon. Coke R. Stevenson, Lieutenant Governor-elect, then took the constitutional oath of office, which was administered by Justice F. L. Hawkins; and he also affixed his signature to the official oath, Justice Hawkins attesting same with the Great Seal of the Commonwealth of Texas.

The President Pro Tempore presented Hon. Walter F. Woodul, who in turn presented Lieutenant Governor Coke R. Stevenson to the joint session and the assemblage.

Lieutenant Governor Stevenson addressed the joint session and the assemblage as follows:

"Ladies and Gentlemen: I deeply appreciate the kind and thoughtful sentiments expressed by Governor Woodul. He has served you four years with energy, integrity and intelligence as your Lieutenant Governor. His record has been made and it is a record of which he can be justly proud. He has rendered distinguished and unselfish services in this capacity. He has been uniformly courteous and kind to me and it is a pleasure to be able to say to this vast audience that no man ever held this important office who was more courageous and patriotic than Walter Woodul. He has always been my friend and I am proud to acknowledge the friendship, and to say to all that I am his friend.

"The office of Lieutenant Governor is one of responsible importance. Tremendous obligations are incurred by one who would discharge the duties of that office according to the Constitution and the laws enacted pursuant thereto. It is an office of power, and with the power goes the responsibility.

"One of the chief functions of the Lieutenant Governor is to preside over the deliberations of the State Senate. The Lieutenant Governor is not a member of the Senate, but by virtue of the Constitution he is President of the Senate, and responsible for the enforcement of its rules and the maintenance of order in that legislative body.

"The Senate is a part of your State Legislature. Under the Constitution the Senate and the House of Representatives compose the Legislature. The concurrence of both Houses is necessary in order to enact legislation. Your Legislature is responsive to the will of the people so long as the demands made upon it are not prohibited by some provision of our Constitution. The Constitution is simply a contract by which the people have retained to themselves fundamental rights.

"These rights can not be transgressed or trespassed upon even by the Legislature. The Constitution prohibits the Legislature from doing certain things. Conversely, it requires them to do certain things. An enumeration of either its prohibitions or its demands is not within the limits of the time afforded me on this occasion. Most of its provisions are already known to the public generally. Every student of Civics is familiar with them.

"It is sufficient today to say that each and every provision of the Constitution is included within the scope of the oath which I have just taken . . . to preserve, protect and defend the Constitution and laws of the United States and of this State.

"The remaining portion of the official oath relates to past transactions but that portion of the oath which I have just quoted relates to a course of conduct in the future. It becomes a covenant with six million citizens of Texas that I will to the best of my ability observe the traditions and precepts of our organic law.

"This organic law, known as our Constitution, is the charter of human liberties and the compass by which to steer the ship of State. In these momentous times and at an hour when we are about to set sail for another two years of Government in obedience to its provisions, let us soberly consider the import of that obedience. Shall its mandate be obeyed simply because they are commandments?

Or shall they be obeyed because we love the guidance of its accumulated wisdom.

"Our forefathers had not only their own experience to guide them in establishing the ancient landmarks but they were students of Governments which had been established throughout the ages. They had knowledge of the rocks upon which former Governments had wrecked ships of State and they strove to avoid the hidden terrors which might wreck this one. This is confirmed by the words of no less an authority than Benjamin Franklin when he arose in the Constitutional Convention on June 28, 1787, and said: 'We have gone back to ancient history for models of government, and examined the different forms of those Republics which, having been originally formed with the seeds of their own dissolution, now no longer exist. And we have viewed modern States all round Europe, but find none of their Constitutions suitable for our circumstances.'

"Thoughtful consideration might be given today to the views of some of those students of Government who have left the imprint of sturdy thought upon the pages of history. It is appropriate to recall the words of Daniel Webster when he said: 'I shall exert every faculty I possess in aiding to prevent the Constitution from being nullified, destroyed or impaired; and, even though I should see it fall, I will still, with a voice feeble, perhaps, but earnest as ever issued from human lips, and with fidelity and zeal which nothing can extinguish, call on the people to come to its rescue. God grants liberty only to those who will have it and are always ready to guard and defend it. I believe the power of the Executive ought to be brought back within its ancient constitutional limits. Good intentions will always be pleaded for every assumption of power. They cannot justify it even if we are sure that they existed.'

"George Washington, the Father of our Country, perhaps had the most solid conception of representative government of any man of his time or of any time. He spent seven of the best years of his life in the battles of war to free his countrymen from the rigors of an oppressive government and then aided in the establishment of a constitutional form of gov-

ernment. He said: 'The habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another.'

"Benjamin Franklin said: 'They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.'

"Edmund Burke said: 'The people never give up their liberties but under some delusion.'

"Herbert Spencer said: 'A man's liberties are none the less aggressed upon because those who coerce him do so in the belief that he will be benefitted. In thus imposing by force their wills upon his will, they are breaking the law of equal freedom in his person; and what the motive may be matters not.'

"These expressions illustrate the thought that eternal vigilance is still the price of liberty. For this reason alone it is most appropriate that each and every officer of this State, from Constable to Governor, is required to take the same oath. And the covenant of that oath is to 'preserve, protect, and defend the Constitution and laws of the United States and of this State.'

"In the words of Albert Pike: 'The past speaks to us as with a living voice, warning us to profit by the example of the nations that have melted from the earth. *** The people must see to it that they hold fast the power—all the power—in their own hands that their servants become not their masters.'

"The spectacle of every dictator in the world today is that of a public servant who has become temporarily the master of his people. This mastery has been achieved by first destroying constitutional government.

"The present Constitution of Texas is the expression of our forefathers for the establishment of a simple, economical, and inexpensive government. It is now being assaulted by the lovers of an extravagant and bureaucratic government and by them it is termed to be outworn, outmoded, and only a patch-work of organic government at the present time.

"The argument is advanced—Shall the age of the wheelbarrow and the horse and buggy control the age of the automobile and the airplane?

Shall the age of the tallow candle and coal oil lamp control the age of electricity? Shall the age when messengers carried the news of events by word of mouth control the age of the telephone, the telegraph, and the radio?

"My friends, all of these modern improvements reflect the progress of civilization, but they do not change fundamental principles. They represent a high standard of modern living and a standard which we should by all means strive to maintain. But the principles by which they are to be maintained remain the same today as a century ago. They should be regarded as aids to the primary objectives of government, rather than to supplant and take the place of the organic law.

"If a new constitution is to be written, who will write it? No instrument of any kind or character reflects any abler thought than the man or men who compose it. If a new constitution is written, will it be written by the propagandists who will throw down the bars and permit the unlimited issuance of bonds and other evidences of indebtedness? Will it permit the donation of public money for private benefits? Will it permit the giving of gifts and gratuities to individuals and corporations? Will it allow monopolies to close the door of opportunity to individual enterprise? Will it remove the ancient land marks which our fathers have erected? Will it remove the protection which now surrounds the Texas homestead? Will it leave unbridled the power and authority of every Legislature to respond to a current public sentiment created by the activities of the propagandist?

"We should know the answers to these questions before we countenance any suggestion of a new constitution. In the meantime, let us cherish the old. It is the highest expression of Texas people on the subject of representative government. Many weeks of earnest labor were given by the convention to a consideration of every line and every sentence which finds expression in its pages. It is the work of nearly one hundred master minds and patriotic citizens working in close cooperation with one of Texas' greatest governors' Richard Coke.

"But our Constitution is not self-perpetuating. Neither is constitutional government self-sustaining.

Both must have public support if they are to survive. This support must be active, not passive. It must be the kind of support contemplated by the vigor of the oath I have just taken: to preserve, protect and defend them. These are words of action. They mean making whatever sacrifice is necessary to maintain what is of general benefit.

"Our Texas constitution is elastic enough to afford provision for all the social services to which we are now becoming accustomed. At the same time it is firm enough to be the refuge of every right that is enjoyed by any individual citizen. When these rights are preserved, protected and defended, collectively, we have liberty and justice, under a government of law and order.

"This government of law is vested in three branches—executive, legislative, and judicial. The legislative branch is composed of a Senate and a House of Representatives. I have spent 10 years in the House and it is my earnest conviction that the men who have been sent there by the people of this State to represent them in the matter of making laws, have been honest and conscientious men who genuinely desired to serve the best interests of the people and to promote the general welfare.

"In the very nature of things these men could not know all of the details involved in the operation of the many and varied industries of this State and could not know all of the details involved in thousands of subjects embraced in the field of legislation.

"Our State government is patterned along the lines of the Federal Constitution. It differs fundamentally in this respect. By the Federal Constitution the National Government has only such power as was ceded to it by the several states. All powers not enumerated in the Constitution were reserved to the states. In the State government all sovereignty resides in the people and the people can pass any legislation, through their chosen representatives, which is not expressly prohibited by the State Constitution.

"During my service in the House I have been intimately acquainted with most of those who have served in the Texas Senate. I think the same characteristics of devotion to duty, earnestness of purpose, and a genuine desire to promote the general welfare can be ascribed to those men. I might go further and state that

in my judgment the men who compose the present Texas Senate are collectively the ablest in these respects of any whom it has been my opportunity to become acquainted with.

"Possessing these qualities, it is my firm conviction that they are ready to lend wholehearted assistance to any constructive program for the improvement of the present situation. They will be as responsive to the will of the people as it is possible to do within the limits of constitutional authority. It will be my pleasure to labor with them and to assist them in every proper way to serve the people of this State.

"Each Senator is entitled to that consideration by a presiding officer which will enable him to serve faithfully and well the constituency which he represents. I pledge you now my best efforts to attain that objective in government.

"It shall further be my endeavor to promote the best relations possible between the legislative and the executive branches of our government. In a few minutes you will hear the voice of a new governor. We welcome him as our co-laborer in his department of our government. It will be his duty to submit a program of legislation to the Legislature and I pledge here and now on behalf of the Senate that his messages will receive earnest attention and thorough consideration.

"It will be my pleasure to cooperate with him in every constructive suggestion which will promote the general welfare. His philosophy of business principles in the application of governmental authority is a wholesome one and one which challenges the attention of thoughtful men throughout the domain of Texas. We look forward to a successful administration and the fulfillment of our hopes for achieving the highest objectives of any government at any time; which are, the preservation of life, the protection of property and the provision of an opportunity for the pursuit of happiness."

The Speaker then announced that the constitutional oath of office now would be administered Hon. W. Lee O'Daniel, Governor-elect, by Chief Justice C. M. Cureton of the Supreme Court.

Hon. W. Lee O'Daniel, Governor-elect, then took the constitutional oath of office, which was administered by Chief Justice Cureton; and he also affixed his signature to the official

oath, Chief Justice Cureton attesting same with the great seal of the Commonwealth of Texas.

The Speaker then presented Hon. James V. Allred, who in turn, introduced Hon. W. Lee O'Daniel, Governor of Texas, to the joint session and the assemblage.

Governor O'Daniel addressed the joint session and the assemblage as follows:

"Fellow citizens, Senators and Representatives:

"In taking the oath, I have, by the grace of a generous people, assumed grave responsibilities, the obligations of which bear heavily upon me. In return for the confidence bestowed, I hope, faithful service will be rendered by a grateful officer.

"On this occasion, I must eschew a discussion of State politics and of measures meriting legislation attention, for, by message Wednesday, I shall present to the Legislature my views on many important subjects with confidence that they will be duly considered, to the advantage of public interests.

"This government was instituted for the safety and happiness of the people and the object of all laws should be to accomplish those ends. The splendid body of Senators and Representatives now in session, with those objects alone in view, will receive my hearty and earnest assistance in accomplishing the work that lies before them. While the people expect much of this administration, they can be trusted to wait for results, in which they will not be disappointed. Honest, faithful efforts on the part of their servants can not fail of their approbation. There are no better judges of what is proper, or of the efficient performance of duty than the great masses, who of right do, and should forever, control this government. In them it is with pride that I confess my confidence. To them before this imposing welcome assemblage here to witness the beginning of my official service, I publicly acknowledge unfeigned gratitude. From penury in boyhood, all along life's rugged way, they have liberally shown me favors; and now, from the summit of my political ambition, I acknowledge their supremacy and dedicate my honor, my time, and my abilities to the protection and promotion of their sacred rights and material interests.

"In conclusion, I beg to tender to the Senators and Representatives the freedom of the department over which I am to preside, and to assure them that on no occasion will the doors be closed to their coming, for with them I join in a common work for the good of a proud and confiding constituency, whose pride centers in the glory, the honor and the advancement of a great State."

"Ladies and gentlemen, the words I have just uttered are the exact words spoken by Governor James Stephen Hogg during his first inaugural address delivered before the Twenty-second Legislature January 1, 1891. Pray tell me what words could be more properly chosen to express the needs of our people today. Pray tell me who could read those words with more sincerity than I. And what could better prove that history repeats itself in the perpetuation of the rights of the common citizens than for those immortal words of Governor James Stephen Hogg to be on this Tuesday heard by millions who now listen here, and on these numerous radio networks, as they were repeated by one who was born in the same year that Governor James Stephen Hogg was elected.

"Possibly I may fall far short of the humanitarian achievements of my ideal Governor, but his glorious accomplishments certainly provide a goal for which any governor might proudly strive to reach. If full and complete self-sacrificing devotion to duty, determination to achieve happiness and prosperity for others, contribution of every ounce of my ability, and supplications to Him on high for guidance, will lead me on and on in the same path trod by Governor James Stephen Hogg, I shall be happy. Anything short of that accomplishment will leave me sad.

"No man could be more void of selfish motives or political ambitions than I. I come to you untarnished politically, and by the grace of God, I hope to remain forever in that category. In my opinion, democratic government is intended to serve but one main purpose and that is to establish correct rules of conduct and enforce those rules, to the end that the citizens, individually, may equally have the opportunity to enjoy happiness and prosperity in accordance with their own talent and ability, and to properly care for those

of our citizens who become helpless and are unable to obtain assistance from their relatives and friends. Other functions of government may become temporarily necessary from time to time during emergencies.

"Texas is rich in soil, climate and natural resources. Those things are the gift of God. The touch of man is necessary to develop these great gifts. After we have untangled some of our legislative mistakes of the past and placed our government on a sound, constructive, economic business basis, so that the pangs of hunger and poverty of our helpless citizens are appeased, and the minds of our business men eased, we shall then be ready to enter a new era of industrial and agricultural development which should bring to every man, woman and child in Texas, happiness and prosperity. All this is within our easy reach, but we must all earn it by the sweat of our brow, because it is a basic fact that happiness and prosperity can not be legislated into existence. We need to tackle the problem and work harmoniously in a cooperative spirit to bring about its realization. It is not a one-man job, but it is the job of more than 6,000,000 citizens of this great State of Texas. Each of us must do our part, and the laurels gained shall be sufficient to crown all who take part.

"To study and determine these needs and requirements and transmit his recommendations to the Legislature is the duty of the Governor. To formulate the rules by which we shall be governed in carrying out our plans is the duty of the Legislature. I am determined to do my duty. I am fully convinced that the Legislature will do its duty. I pray that glamour and color will be eliminated from our session, and that seriousness and dignity will reign supreme. I pray that the poisonous pens of selfish interests and their hirelings which have, since the primary elections, dipped into the well of venom for the purpose of embarrassing and humiliating some of us folks chosen by the people, shall run dry for the duration of our administration in order that those of us who have been chosen, and who have a burning desire to serve honestly and well, may not be handicapped or our work imperiled. I pray that the good, clean, honest, common citizens of Texas, during the term of our administration, go daily on bended knees in the silent sanctuary of their homes and ask the bless-

ings of God to rest upon your legislators and your Governor. No government ever long survived without resting on a firm foundation of religion.

"Today I take my seat in a little office on the second floor of the State Capitol Building. On one corner of my desk is a book containing the Constitution of the State of Texas and of the United States, and another book containing the laws of the State. On the opposite corner of that desk is the Holy Bible given to me by my mother containing the Ten Commandments and the Golden Rule, which constituted my platform, plus the brief pledge printed and distributed during the campaign reading as follows: 'If and when I am elected Governor of Texas I shall honestly and faithfully perform the duties of that office with fairness to all and special privileges to none.' These are my chart and compass with which I intend to guide the Ship of State over turbulent seas into the harbor of happiness and prosperity for all passengers who are aboard.

"It was the teachings of my hard-working, religious mother that prepared me for a happy life of service based on faith in God, compassion for the poor, respect for the rich, praise for the right, and forgiveness for the wrong, all of which tenets are essential to the job I am now commencing.

"In a little country churchyard near Arlington, Kansas, now rests the body of that saintly mother. At this very moment there are gathered around her grave some of my relatives who were unable to come to this ceremony and for me, in her memory, they are tenderly laying upon her grave a cross of fresh flowers. By that act, and with trust in God, allegiance to all the citizens of Texas and devotion to duty, I now pledge my all to help perpetuate government of the people, by the people and for the people."

At 1:00 o'clock p. m., the President Pro Tempore announced the business of the joint session concluded, and he requested the Senators to proceed to the Senate Chamber at the Capitol.

In the Senate

The Senate met in the Senate Chamber at 1:40 o'clock p. m. and was called to order by the President Pro Tempore.

Adjournment

On motion of Senator Martin, the Senate at 1:40 o'clock p. m., adjourned until 2:00 o'clock p. m. tomorrow.

SIXTH DAY

(Wednesday, January 18, 1939)

The Senate met at 2:00 o'clock p. m., pursuant to adjournment, and was called to order by Hon. Coke R. Stevenson, Lieutenant Governor and President of the Senate.

The roll was called, and the following Senators were present:

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten Head

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Isbell and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

On motion of Senator Weinert and by unanimous consent, the transaction of further business in the Senate was suspended until the conclusion of the joint session to be held today to hear the message of Governor W. Lee O'Daniel.

Appointments Announced

The President announced the appointment of the following committee to escort Governor O'Daniel to the Speaker's stand in the House of Representatives to deliver a message to the joint session today:

Senators Martin, Small, Winfield, Pace and Brownlee.

Joint Session

(To Hear Message of the Governor)

The President announced that the hour heretofore fixed by concurrent action of the two Houses for a joint session to hear the message of Governor W. Lee O'Daniel had arrived, and he requested the Senators to proceed in a body to the Hall of the House of Representatives.

The Senate was announced at the bar of the House and the Senators were admitted and escorted to seats prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's stand.

The Speaker announced the purpose of the joint session and directed the Clerk to call the roll of the House.

The roll was called and a quorum of the House was announced present.

The President called the Senate to order and directed the Secretary to call the roll of the Senate.

The roll of the Senate was called, and the following Senators were present:

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Cotten Head

A quorum of the Senate was announced present.

Hon. W. Lee O'Daniel was announced at the bar of the House, and was admitted and escorted to the Speaker's stand by Senators Martin,